

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

COLONIAL PARKING, INC.  
Employer

and

Case 04-RC-187843

UNITED FOOD AND COMMERCIAL WORKERS  
LOCAL 27  
Petitioner

ORDER

The Employer's Revised Request for Review of the Regional Director's Decision and Direction of Election and Regional Director's Decision on Exceptions to the Hearing Officer's Report on Challenged Ballots is granted solely with respect to whether the proposed unit of employees, excluding the Lot Auditor and the Skilled Maintenance Employee, is an appropriate unit for collective bargaining. The case is remanded to the Regional Director for further appropriate action consistent with *PCC Structurals, Inc.*, 365 NLRB No. 160 (2017), including reopening the record, if necessary. In all other respects, including the Employer's contention that the Regional Director's factual findings were clearly erroneous, the request for review is denied as it raises no substantial issues warranting review.<sup>1</sup>

MARVIN E. KAPLAN,      CHAIRMAN

MARK GASTON PEARCE,      MEMBER

WILLIAM J. EMANUEL,      MEMBER

Dated, Washington, D.C., March 23, 2018.

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<sup>1</sup> Member Pearce would deny the request for review. For the reasons stated in his joint dissenting opinion with Member McFerran in *PCC Structurals, Inc.*, 365 NLRB No. 160, slip op. at 13-26 (2017), Member Pearce believes that *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB 934 (2011), affd. sub nom. *Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013), sets forth the appropriate standard for making unit determinations where a party contends that the petitioned-for unit is not appropriate because it does not contain additional employees and would find that the Regional Director correctly applied that standard.